

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF
PENNSYLVANIA,
GOVERNOR TOM WOLF,
ATTORNEY GENERAL JOSH
SHAPIRO, and
PENNSYLVANIA STATE POLICE,

Plaintiffs,

v.

DEFENSE DISTRIBUTED,
DEFCAD,
GHOST GUNNER, and
CODY WILSON,

Defendants.

No. 2:18-cv-03208-PD

Defendants' Motion to Reinstate

Beckley & Madden LLC
Charles O. Beckley, II
cbeckley@pa.net
212 North Third Street, Suite 301
P. O. Box 11998
Harrisburg, Pennsylvania 17108
(717) 233-7691

Josh Blackman
josh@joshblackman.com
1303 San Jacinton Street
Houston, Texas 77002
(202) 294-9003

Beck Redden LLP
Chad Flores
cflores@beckredden.com
Daniel Hammond
dhammond@beckredden.com
Hannah Roblyer
hroblyer@beckredden.com
1221 McKinney Street, Suite 4500
Houston, Texas 77010
(713) 951-3700

Counsel for Defendants

Defendants' Motion to Reinstate

Defense Distributed, DEFCAD, Ghost Gunner, and Cody Wilson move to remove this case from the Civil Suspense Docket and reinstate it to active status.

I. The case should be reinstated.

In 2018, the Court placed this action in the Civil Suspense Docket “pending the outcome of proceedings related to Defendants in *Washington v. United States Dep’t of State*, Civ. No. 18-1115 (W.D. Wash. filed July 30, 2018).” (Doc. No. 25.) Presumably, that occurred because the cases have some parties in common—the Commonwealth of Pennsylvania is a plaintiff in both cases and Defense Distributed is a defendant in both cases—and at some point appeared to involve possibly-related issues. In any event, there is no reason to suspend this case any more.

The district court in the 2018 Washington case issued a final judgment on November 15, 2019. *See* Ex. A (final judgment); Ex. B (summary judgment order). Ninth Circuit appeals have been initiated by Defense Distributed and two other defendants, *see* Exs. C-D (notices of appeal), but not by the Commonwealth of Pennsylvania or any other of that case’s plaintiffs. So either the appeal will leave the current judgment unchanged or diminish it; in no event will the appeal yield *more* relief for the Commonwealth of Pennsylvania than the current judgment. *See, e.g., Greenlaw v. United States*, 554 U.S. 237, 244 (2008) (“an appellate court may not alter a judgment to benefit a nonappealing party”).

Whatever effect, if any, that the 2018 Washington case's final judgment has on the instant case can now be determined via standard methods of civil procedure. The Court should pick this case up where it left off¹ and proceed to a resolution.

Conclusion


The Court should remove this case from the Civil Suspense Docket and reinstate it to active status.

Date: March 27, 2020.

Beckley & Madden LLC
Charles O. Beckley, II
cbeckley@pa.net
212 North Third Street, Suite 301
P. O. Box 11998
Harrisburg, Pennsylvania 17108
(717) 233-7691

Josh Blackman
josh@joshblackman.com
1303 San Jacinton Street
Houston, Texas 77002
(202) 294-9003

Respectfully submitted,

Beck Redden LLP

Chad Flores
cflores@beckredden.com
Daniel Hammond
dhammond@beckredden.com
Hannah Roblyer
hroblyer@beckredden.com
1221 McKinney Street, Suite 4500
Houston, Texas 77010
(713) 951-3700

¹ When this case entered the Civil Suspense Docket, pending before the Court were Plaintiffs' Corrected Amended Complaint (Doc. 16) and Plaintiffs' Motion for a Preliminary Injunction (Doc. 6). At that time, the Court had ordered that "Defendants need not respond to Plaintiffs' Corrected Amended Complaint (Doc. No. 16) and Motion for Preliminary Injunction (Doc. No. 6) pending further Order of Court." Doc. 22 at 1.

Certificate of Service

On March 27, 2020, this document was filed using the Court's Electronic Case Filing system and all parties were served via the Notice of Electronic Case Filing.

Beck Redden LLP

A handwritten signature in black ink, appearing to read 'CW FL', is positioned above the printed name Chad Flores.

Chad Flores

cflores@beckredden.com

1221 McKinney Street, Suite 4500

Houston, Texas 77010

(713) 951-3700